MULTIMEDIA UNIVERSITY

STUDENT ID NO

MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 1, 2015/2016

UCN2612 – CONFLICT OF LAWS

(All Sections / Groups)

15TH OCTOBER 2015

Reading Time: 2:30PM – 2:45PM
(15 Minutes)
Answering Time: 2:45PM – 5:45PM
(3 Hours)

INSTRUCTIONS TO STUDENT

1. Students will have **fifteen minutes** during which they may read the paper and make rough notes ONLY in their question paper. Students then have the remaining **THREE HOURS** in which to answer the questions.

2. This Question paper consists of 2 pages with 5 Questions only.

3. Attempt question 1 in Part A which is **compulsory** and any **THREE** out of **FOUR** questions in Part B. The distribution of the marks for each question is given.

4. Students are not allowed to bring in any statutes into the Examination Hall.

5. Please write all your answers in the Answer Booklet provided.

QUESTION 1 (COMPULSORY)

Clara was born in Mexico in 1965 to parents who were domiciled in France. In 1980, Clara's parents, Clara and her brother James migrated to Republic of Ireland.

Dennis was born in 1960 to parents who were both domiciled in England.

In 1980, Dennis came to Republic of Ireland in search of a job. Shortly after he was gainfully employed in a firm of his choice.

Clara met Dennis at a party and became close friends. Subsequently they were married in Republic of Ireland in 1986. After their marriage Clara and Dennis continued to live there.

In 1988 they were separated. Clara, was seven months pregnant and went to stay with her brother,. James, who had earlier migrated to England. However she was uncertain of her future and intended to leave England to live in another country.

Dennis was involved in a motor car collision and died two weeks before the birth of John.

When John was two years old, Clara decided to illegally migrate to Australia and she lived in Australia ever since then; while John has continued to live with his uncle James in England.

Give a brief description of the general rule on domicile and trace the domicile of all the parties involved.

(Total: 25 Marks)

QUESTION 2

a) Explain the "doctrine of obligation" in recognition and enforcement of foreign judgement.

(10 marks)

b) Under what circumstances would a Malaysian court grant a stay of proceeding in a foreign jurisdiction?

(15 marks)

(Total: 25 Marks)

Continued...

QUESTION 3

Lionel and Sara are both domiciled in Scotland. Lionel let his holiday home in France to Sara for three months at a certain rent by an agreement under which all disputes are to be decided in Scotland. Sara did not pay the rent and Lionel wants to sue her in court. Which country has the jurisdiction to hear the case? Discuss.

(Total: 25 Marks)

QUESTION 4

Jose, and his friends Olivia and Isabella went on a holiday to Kuwait. Both Jose and Olivia were nationals of England. When they arrived in Kuwait, they were introduced to Steven, who was domiciled in New Zealand but worked for the last four years in Kuwait. Jose hired a car for driving in the countryside, having acceptable documents to do so.

Five days later while Jose was driving on a highway, they crashed into a lorry laden with cement killing Olivia.

Jose, Isabella and Steven were seriously injured. Jose was later convicted of reckless driving by the court of Kuwait and received a suspended sentence. There was no civil liability for negligence in Kuwait.

Advice Isabella, Steven and Olivia's executer who want to sue Jose for negligence in England.

(Total: 25 Marks)

QUESTION 5

Alex, who lives in England married Serena from Brazil. After the marriage they moved to Rio de Janeiro in Brazil. After three years of living together, he discovered that she was in love with another man. He was depressed and returned to England. Alex divorced Serena in England and married Skyler, his new English girlfriend after two weeks. The divorce was not recognised by the Brazilian law. One year later Skyler left Alex and wants to marry David, her new boy friend.

Advise Alex about status of Serena and Skyler.

(Total: 25 Marks)

End of Page